



DEPARTMENT OF SOCIAL SERVICES  
FOSTER CARE PROGRAM

**From The Office Of State Auditor  
Claire McCaskill**

*Better management of the foster care support functions is needed to improve services to foster parents and children and to avoid costly errors.*

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PERFORMANCE AUDIT



Office of  
Missouri State Auditor  
Claire McCaskill

December 2003

**Better management of the foster care support functions is needed to improve services to foster parents and children and to avoid costly errors**

This audit is the second of two reports on the effectiveness of Missouri's foster care system, which served 19,000 children during fiscal year 2002. This report focuses on core program support functions within the Children's Division of the Department of Social Services. These support functions should ensure appropriate care for the children served, correct payments to placement providers, and retention of experienced foster parents. The following highlights the findings:

**Foster care caseloads unable to be determined because division databases are not current**

Auditors were unable to determine the average caseload per foster care worker. The foster care case management system listed 923 more social workers than were on the payroll and had numerous errors that would affect the number of cases listed. The only way for the department to determine caseload per worker was to contact the lowest level of management, and even then the answers were not readily obtained. Untimely case status updates to the management system were one of the primary causes for overpayments to foster parents. (See page 4)

**Unnecessary costs incurred for emergency placements**

Division personnel did not follow division policy that limits emergency placement pay to 30 days and overpaid foster parents. To address this issue, the division added an edit check in the computer system denying an extension of emergency payment rates beyond 60 days without review and approval. This edit check should be amended, to limit emergency pay to 30 days since division costs could increase if social workers no longer have the incentive to achieve placement within 30 days. (See page 6)

**Residential providers paid for children who ran away**

When a child runs away from a residential facility, division policy allows payment for up to 7 extra days if the provider agrees to hold the opening for the child upon return. However, auditors found none of the 27 runaways from residential facilities in our analysis returned to their original facility. Money that could be used for other services is then spent to hold a place for high flight-risk children. The division should take action to amend current contracts and delete this language from future contracts. (See page 7)

YELLOW SHEET

### **Some foster parent background check results disregarded**

In three cases, prospective foster parents were licensed even though their files contained hard copy documentation of criminal convictions from their original background checks. Division personnel said the licenses were issued by mistake, which were caused by untimely supervisory review. (See page 9)

### **Social worker background checks could be more thorough**

Background checks conducted by the division on prospective social workers do not include the Family Care Registry, which identifies those individuals excluded from working for the Departments of Health and Senior Services or Mental Health because of their previous history. It seems reasonable a worker considered unacceptable for working with the elderly or mentally ill should also receive more careful consideration before being accepted to serve as a children's social worker. (See page 9)

### **Efforts should be made to retain existing trained foster parents**

The division does not have a formal retention program that tracks retention rate records or works to determine the effectiveness of division and foster parent relationships. The division does not perform formal exit interviews and does not track the local office's paper files that may note the parent's reason for leaving. The outcome of a successful retention program could result in fewer disruptive moves for children in state custody. In addition, the division should better inform foster parents about the division's formal grievance process. (See page 10)

### **Reimbursement rates for foster parents rank low among states**

Based on a national survey conducted by the Child Welfare League of America and the Casey Foundation, Missouri's payments to reimburse foster parents are among the lowest of all states, ranging from 33<sup>rd</sup> to 37<sup>th</sup> of 49 reporting states, depending on the child's age. Compared to a USDA report that estimates the costs of raising a child, Missouri rates cover less than 50 percent of the total costs incurred for children ages 3 to 17. (See page 12)

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**CLAIRE C. McCASKILL**  
**Missouri State Auditor**

Honorable Bob Holden, Governor  
and  
Steve Roling, Director  
Department of Social Services  
and  
Frederic Simmens, Director  
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Jefferson City, MO 65102

The State Auditor's Office audited the Department of Social Services, Children's Division (division) Foster Care Program. This report focuses on program administrative issues.

The objectives of this audit were to review the state's foster care program to determine whether:

- (1) Children in division custody are safe, located, and handled according to key provisions of federal and state laws, state rules and departmental policies.
- (2) Foster parents are qualified with an acceptable, non-criminal, non-violent background; adequately trained; and receive appropriate support from the division.
- (3) Social workers are appropriately performing the duties required for all foster children assigned to their caseload; including placement, required case planning, monitoring of each child, and properly documenting all case activities, conditions, and progress.

We concluded the division could better manage the foster care program administration functions to increase child safety, avoid improper payments, and retain foster parents.

We conducted our audit in accordance with applicable standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and included such tests of the procedures and records as were considered appropriate under the circumstances.

A handwritten signature in black ink, reading "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" and last name "McCaskill" clearly distinguishable.

Claire McCaskill  
State Auditor

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## **RESULTS AND RECOMMENDATIONS**

### **Program Support Operations Need Management Attention**

The Children's Division (division) could improve operational support functions and critical service operations by focusing management on the following problem areas:

- Management cannot track caseloads because the database is not kept up-to-date.
- Temporary emergency foster care placements exceeded the 30-day maximum.
- Placement providers are paid after children run away.
- Delayed entry of case information into the division's computer system created case management problems, payment errors, and delays in proper payment for services.
- Convicted felons were licensed and paid as foster parents contrary to federal foster parent licensing and funding rules.
- Prospective new child care social workers are not checked against the state's family care registry listing of persons prohibited from working in patient care positions in elder care and mental health facilities.
- Foster parents quit because of poor relationships with division workers and inefficient management of information.
- A new grievance process for foster parents is not consistently applied.
- Payment rates to foster parents are among the lowest of all states.
- Social worker salaries are low.

Many of these conditions occurred because front line staff were inundated with difficult cases and heavy caseloads, and management did not provide effective oversight of core program support functions to ensure operations met foster care program challenges. As a result, division officials left some children in inappropriate placements, incurred higher than necessary costs, and did not adequately consider foster parent grievances and pleas for guidance; and some foster parents quit the program.

### **Adoption and Safe Families Act**

The federal Adoption and Safe Families Act (the act), Public Law 105-89 was enacted November 1997, and all states subsequently passed conforming legislation. Key provisions of the act include promoting adoption and other permanency options. Federal and state laws, state regulations, and division policies assign numerous responsibilities to the division and social workers including:

- Setting up temporary emergency child placement when a regular level or difficult placement is not possible on short notice.
- Setting up and authorizing treatment programs.
- Entering pertinent child case status, foster parent assignment, and other information into the computer system to allow payment for services and case management activities.
- Providing foster parents with support services and guidance in the event of difficulties with the foster child (example, behavior problems).
- Helping older current and former foster children adjust to their growing independence.

- Meeting other case record-keeping requirements, filing claims for reimbursement of travel, and attending training programs.

These support functions need to be effectively managed to ensure appropriate care for the child, correct payments to those providing service to or for the child, and retention of experienced foster parents and other service providers.

### **Foster care caseloads cannot be determined because division databases are not up to date**

We wanted to determine the average caseload per foster care worker to measure against the national caseload standards used by the Council on Accreditation for Families and Children, Inc. (council).<sup>1</sup> This audit step would allow us to determine the division's ability to meet the standards or demonstrate the progress toward meeting the standards. However, we were unable to figure such an average because the division does not maintain reconcilable caseload data on its alternative care tracking system (tracking system).

The council accreditation process evaluates an organization against best practice standards to improve management and service quality. The standards represent up-to-date research findings, regulations, and practice experience that defines quality organizational practice. The standards are comprised of organizational and management standards and service standards, including child and family services, behavioral healthcare services, financial management/debt counseling services, employee assistance program standards, and many service areas for which no other accreditor has standards.

Regarding social work, the council recommends maximum caseload standards that will allow social workers to more effectively work with families and children. The council also recommends supervisors supervise no more than seven employees. The number of acceptable cases depends on factors such as type of cases assigned. For example, workers handling foster care cases are able to carry more children (18) in their caseload than workers investigating reports of child abuse and neglect (15) or those handling family centered services (12).

Meeting caseload standards is one critical element of many requirements necessary to attain accreditation. According to division estimates, 432 additional workers as well as additional supervisors and other support staff would be needed to meet the council's caseload standards. Those added workers would require approximately \$38.9 million in additional appropriations based on the division's estimates of the funds needed to equip and support each additional worker. The division calculated the 432 additional workers needed by comparing the 45,251 cases and case types handled during calendar year 2002 to the number of workers now working.

We attempted to verify these estimates but could not with the current tracking system. The tracking system is the foster care segment of the division's general social work case management

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<sup>1</sup> The Council on Accreditation (COA) is an international, independent, not-for-profit, child- and family-services and behavioral healthcare accrediting organization. Founded in 1977 by the Child Welfare League of America and Family Service America, COA accredited or was in the process of accrediting more than 1,400 private and public organizations that serve more than 6 million individuals and families in the United States and Canada.



system known as PROD. The division uses this database for management reports and data collection on foster care case assignment and history.

We could not verify that there were 45,251 cases because there were numerous errors in case tracking that would affect that number. Additionally, there were 923 more social workers listed in the tracking system than on the payroll, thus making a caseload per worker comparison inaccurate. Division officials recognized this inaccuracy in their calculations and used payroll records to determine the number of social workers. However, that calculation did not consider some cases are assigned to supervisors.

Determining a meaningful average caseload per worker (which is how the division presents caseloads) was unattainable because the data in the tracking system skewed the results. For example, the system showed over 300 social workers with only 1 or 2 cases assigned while other social workers had up to 50 cases assigned. We determined some social workers had high caseloads, but many with reportedly low caseloads were not even on the payroll. The cases for these workers were reassigned, but we could not determine to whom they were reassigned. The only way for the department to determine caseload per worker was to contact the lowest level of management—the field offices, and even then the answers were not readily obtained.

The specific types of errors found in the tracking system included:

- System shows 2,254 social workers yet payroll shows 1,331.
- System shows foster care cases assigned to workers who are no longer employed by the division.
- Social workers did not update the status of cases on the system timely which was one of the primary causes for overpayments to foster parents.
- Reassignments of cases were not always recorded in the system timely.

Additionally, social workers are assigned a variety of case types of which foster care cases are only a part of the caseload. Thus, to determine foster care caseload would require some assignment of equivalency to the worker's caseload, i.e. the percent of total caseload that is foster care. As a result, until the tracking system is maintained regularly with timely updates, it cannot be an effective management tool for determining the status of foster care cases, assignment of workload and workload accomplishment.

The division recently announced that it would put efforts to seek accreditation on hold, primarily because the funding for additional social workers was not available which made many of the qualifications for accreditation unachievable, especially caseload per worker. Two states have achieved accreditation, 8 are working on meeting the requirements, and 15 other states are considering the accreditation program.

Recognizing the significant state budgetary constraints existing in early 2003, the General Assembly, officials of the Department of Social Services, and the division have struggled to find ways to improve the safety and care of at-risk children without increasing staff to meet the recognized accreditation standards.

## Management weaknesses over emergency placements caused unnecessary costs

Personnel did not follow division policy that limits emergency pay to 30 days and overpaid foster parents. Foster families receive a premium pay rate of \$22 for each day the child is held in the emergency placement. If the child remains in the home over the allotted emergency time frame, the pay should revert to regular rates. Emergency placements are necessary to provide immediate placement for a child in harm's way while division personnel locate a more appropriate placement.

Auditors reviewed 40 (14 percent) of the 280 emergency payments to foster care providers for the month of March 2002.<sup>2</sup> The division overpaid foster parents for approximately 1,200 excess days of emergency placements in 14 cases. Two examples demonstrate the impact of these overpayments. These overpayments included 2 children who had emergency placements lasting 524 and 237 days, which cost the division an estimated \$9,479 in excess emergency payments as shown in Table 1.1.

**Table 1.1: Overpayments for Foster Care**

Child	Additional Days	Total Payment	Standard Payment	Estimated Overpayment <sup>1</sup>
A	524	\$11,528	\$4,838	\$6,690
B	237	5,214	2,425	2,789
Total		\$16,742	\$7,263	\$9,479

Source: Division case records

<sup>1</sup>Estimate is based on standard rate paid for age of the child compared to emergency rate paid.

Social workers explained one case's delayed placement occurred because of attempts to place all siblings together, which did not ultimately occur. In the other case, the area director advised the decision-making authority had been delegated to field level and proper internal oversight controls had not been established. Payments should have reverted to regular foster care rates after the normal emergency period passed.

Division policy states emergency placements are not to exceed 30 days, but may be extended to 60 days if approved by the area director. We tested this approval process for the 14 cases and found approval was not received for 12 cases and not required for 2 cases because the payments were made in error. For the latter 2 cases, repayment action is in process. In addition, 7 of 40 (19 percent) children in the payment cases tested were moved to another emergency placement instead of being moved to a regular placement, which does not follow policy.

To reduce the number of payment errors resulting from emergency placements, division officials placed a new edit check in the computer system denying an extension of emergency payment rates to foster parents beyond 60 days. This new policy went into effect on June 1, 2003. While the change should help reduce the incidents of payments inappropriately extending beyond 60 days, the division still needs to address the failure of front line staff to

New payment control needs fine tuning

<sup>2</sup> Division officials indicated this month was representative of emergency payment activity.

obtain the required approval for any emergency placement days exceeding 30 days. Establishing the edit check at the 30-day period would force the appropriate approvals. Otherwise, the 30-day policy in reality becomes a 60-day policy and could increase division costs because social workers would no longer have the incentive to achieve placement within 30 days.

After we reported the overpayment and lack of approval issues to division officials, they studied the 4,124 emergency placements made in fiscal year 2002. Table 1.2 shows the results of the study and confirms a vast majority of the children were placed in more permanent settings within the 30-day time frame.

**Table 1.2: Percent of Placements by Lapsed Time**

<b>Range of Days</b>	<b>Percent Placed</b>
1-30	75
31-60	17
61+	8

Source: Study performed by the division

Further analysis of the study disclosed:

- 41 percent of the placements occurred in the first week after the emergency placement
- 6 percent were placed on the 31<sup>st</sup> day
- 16 percent of the placements were made at the end of the 30-day period

The placements at the end of the 30-day deadline are indicative of the time it takes to place some of the children, and the effort made by the social workers facing a 30-day deadline. These statistics suggest a 30-day period for placing the child is effective and provides the incentive to find placement opportunities.

### **Providers were paid for children who ran away**

Division personnel overpaid residential facilities by over \$22,000 for 27 children who ran away from residential care facilities. As of October 14, 2002, there were 137 runaways in Jasper, Jackson, Greene, and St. Louis counties and the city of St. Louis, 27 who ran from residential facilities. When a child runs away from a residential facility, division policy allows payment for up to 7 extra days of care if facility officials agree to hold the opening and accept the child upon return. Consequently, this policy compensates the residential facility without reciprocal value. None of the 27 runaways from residential facilities in our analysis returned to their residential facilities. Therefore, funds that could have been spent for other services were given to the residential facilities, merely to hold a place for high flight-risk children. Table 1.3 shows the dollar impact of allowing payments to residential facilities after the children ran away.

**Table 1.3: Overpayments for Runaways**

<b>Location</b>	<b>Total Days Overpaid</b>	<b>Number of Children</b>	<b>Total Amount</b>
St. Louis City	104	11	\$9,734
St. Louis County	36	5	3,364
Jasper County	7	1	597
Jackson County	99	10	8,399
Greene County	0	0	0
<b>Total</b>	<b>246</b>	<b>27</b>	<b>\$22,094</b>

Source: Division case records

After we reported this matter to division officials, they conducted their own study of runaways and reported results to us. They tracked the outcome of 299 children who ran away from residential facilities in fiscal year 2002 and found only 54 (18 percent) went to the same residential facility of which 35 (12 percent) returned within 7 days. Consequently, 245 runaways did not return to the residential facilities. Because documentation for each case was not readily available, we did not compute how much the facilities were paid for these runaways. However, the daily reimbursement rates range from \$56.28 for children in emergency care to \$118.20 for children in psychiatric care, which could total between \$96,520 and \$202,713 that facilities could have received (rate \* 7 days \* 245 children).

Audit tests showed providers received 117 payments for the 137 runaways for the month the child ran away and for part of the subsequent month. Forty of 117 payments (34 percent) were paid in violation of division policy. We noted overpayments up to 20 days after the child ran away. Social workers did not promptly update the child's placement status in the computer system, which also caused overpayments. Retrieving these overpayments creates an unnecessary workload because the division officials deduct these amounts from one or more future payments as follows:

- If under \$500, the total is taken from the next payment.
- If between \$500 and \$1,500, the amount is prorated and deducted over 5 months.
- If over \$1,500, the amount is prorated and deducted over 12 months.
- For extraordinary amounts (over \$5,000), arrangements for a monthly deduction will be made.
- If the provider is no longer receiving payments from the division, the local county office must pursue the needed repayment.

The division is preparing to implement system improvements to identify payment errors more quickly. These changes should help decrease the amount and number of overpayments and speed up the error corrections; however, errors will not be decreased significantly until social workers promptly update the system.

## **Some foster parent background check results disregarded**

In three cases, division workers disregarded criminal convictions noted in hard copy documentation in their files from original background checks and inappropriately licensed three foster parents. Assisted by the Office of State Courts Administrator (administrator), we matched records to identify potential foster parents having orders of protection.<sup>3</sup> The match also identified foster parents with a history of criminal conviction(s). Under federal regulation (45 CFR 1356.30), state officials cannot approve or license a foster parent with certain convictions, such as child abuse, spousal abuse, or crimes against a child or children. Similarly, persons convicted of a physical assault or a drug-related crime within the last 5 years may not be licensed. In both instances, the regulation also prohibits the use of federal funds to pay foster parents having such convictions.

Division officials used the results of our match to identify 63 foster parents with court records they wished to review further. The division found three inappropriately licensed foster parents. Division personnel said the licenses were issued by mistake. Supervisors are required to review and document the results of foster parent background checks. When presented with the case, one supervisor immediately recognized that the license should not have been granted. However, the supervisor had not reviewed the action until we questioned it a year after the application had been approved. Timely supervisory review of the three foster parent applications could have prevented the following problems:

Three felons  
received licenses  
contrary to Federal  
regulations

- One foster parent should not have been licensed because of assault and stealing charges disclosed in the original background check. The division removed 2 children from the home and closed the foster care license.
- Two foster parents should not have been licensed because their drug convictions disclosed in the original background checks occurred within 5 years. The division has taken action to close these licenses and stop payment to these foster parents. Both foster parents were caring for children assigned to them as relative caregiver placements ordered by the juvenile court with knowledge of the criminal history. These individuals remain court-ordered relative placements even though they cannot legally be licensed as foster parents.

## **Social worker background checks could be more thorough**

Although the division conducts a series of background checks for prospective new social workers, staff does not use the Family Care Registry. This registry would identify if the applicant was excluded from working for the Departments of Health and Senior Services or Mental Health because of their previous history. It seems reasonable a worker considered unacceptable for working with the elderly or mentally ill should also receive more careful consideration before being accepted to serve as a children's social worker.

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<sup>3</sup> The match was limited to the records available in courts having already converted to the new electronic court records systems. Orders of protection could indicate a foster parent has a history of family violence or is unable to control his or her behavior. These are orders of the court against individuals.

## Efforts needed to nurture and retain existing trained foster parents

The division does not have a systematic approach for determining why foster parents quit the program. Managers do not conduct formal exit interviews with foster parents. The division limits its efforts in this area to annotating a computer entry showing whether a foster parent left on a voluntary or involuntary basis. The local office paper files should note the parent's reason for leaving, but the division does not compile or track these reasons. As a result, there is little knowledge about system problems and a missed opportunity to concentrate training and resources on such problem areas.

Exit interviews  
would help  
identify problems

The division does not have formal state-level foster parent retention programs. The division also does not routinely track or maintain retention rate records to determine how effectively the division handles relationships with foster parents. Division retention efforts could potentially reduce recruitment, training, and administrative costs by encouraging foster parents to stay with the program. The outcome of a successful retention program could result in fewer disruptive moves for the child while in state custody.

While performing various audit tests as part of a previous foster care audit, *Department of Social Services Foster Care Program* issued March 2003, we noted computer system records were not accurate for some foster parents. Although listed as active foster parents they:

- Withdrew from the system.
- No longer wished to foster children.
- Did not have their current, accurate phone numbers or addresses in the division system.

These tests suggest the division needs to be proactive in keeping licensed foster parent system records accurate and up-to-date.

In response to phone conversations, e-mail, letters and surveys, foster parents gave varying reasons for quitting or being dissatisfied with the foster care program:

- Originally became licensed only to adopt one certain child or to foster the child of a relative.
- Personal health or family problems.
- Were unprepared to deal with emotional and behavior problems of the foster child.
- Believed they were not treated with respect by the child's social worker or were disillusioned by a lack of support from the division or the workers.
- Worker failed to notify or gave late notice of support team meetings.
- Unable to get responses and answers to questions from social workers.
- Pay for foster care was inadequate to cover the child's needs.

The division can design and establish focused retention efforts that address foster parent concerns if they know the reasons foster parents leave service. For example, local training programs could be directed to managing behaviorally challenged children to assist the foster

parents in coping with their responsibilities and give them confidence that the division supports them.

### **Foster parent survey found issues of concern with the division**

The division performs limited regular surveys, which deliver mostly favorable results. In summer 2002, the Foster and Adoptive Care Coalition,<sup>4</sup> with the support of the Family Support Council and division cooperation, surveyed foster parents to evaluate their experiences with the foster care program. The survey questionnaire went to 4,640 Missouri foster parents with 1,017 (22 percent) returned. Respondents gave positive comments and were generally satisfied with their foster parenting experience; however, they also identified areas of concern.

Examples of positive responses included:

- Over 93 percent said the training received allowed them to help the children in their care.
- Nearly 65 percent said the social worker reinforced the skills learned in training.
- Over 78 percent said the training received coincided with training needs.
- Over 94 percent were appropriately respected during the licensing process.

Table 1.4 describes areas of concern where foster parents said they were not properly considered or included in decisions the division made.

**Table 1.4: Summary of Foster Parent Concerns**

Description of Concern	Percent Concerned <sup>1</sup>
Rarely or never received foster child's dental care history	68
Not knowledgeable of grievance procedures	64
Rarely or never received case history on foster children	60
Rarely or never received foster child's mental health records	46
Foster care pay covered only half or less of the costs	46
Not invited or discouraged from attending court hearings	40
Rejection of placement would affect future placements	30
Views on planning were not considered	30
Foster care system is too difficult to work with	27

Source: Audit analysis of survey results compiled by The Foster Care Coalition of Missouri

<sup>1</sup>Percentages were rounded to the nearest whole percentage number for purposes of this report.

### **Foster parent grievance rights need better dissemination and more consistent application**

As of April 2003, only 9 grievance cases statewide had been heard by the Alternative Care Review Board (board) while three areas<sup>5</sup> have not had any cases heard since the

<sup>4</sup> A non-profit agency that recruits and supports Missouri foster/adopt families.

<sup>5</sup> Geographic regions within the division

board's inception on August 30, 2001. The board was established to provide a formal grievance and appeal process for foster parents. When the division and the foster parent cannot agree on a resolution of the disagreement, the case is appealed to the board for hearing. After reviewing the decision being appealed, the board makes its recommendation to the division director for final consideration. The limited number of cases heard, coupled with the survey result showing 64 percent of respondents did not know how to file a grievance against division decisions indicate the division has not taken adequate steps to inform the alternative care providers.

The grievance policy does not require the original grievance requests in writing. If oral grievance requests are desirable, at least an after-the-fact written record should be made. Without a written record, the division is not able to ensure the policy is followed consistently at local county and area offices. One such inconsistency was noted when foster parents in one area reported to us they were not allowed to appeal an adoption decision for a foster child in their home. Instead, when they tried to appeal, they were told the decision did not qualify for grievance proceedings. However, our review of grievances in another area found a nearly identical case was appealed and then overturned by the board. We informed the division of our concerns over these inconsistencies so corrective action could be taken.

### **Reimbursement rates for foster parents rank low among states**

Based on a national survey conducted by the Child Welfare League of America and the Casey Foundation, Missouri's payments to reimburse foster parents are among the lowest of all states, ranging from 33<sup>rd</sup> to 37<sup>th</sup> of 49 reporting states, depending on the child's age.<sup>6</sup>

Monthly reimbursements to foster parents are intended to support food and general expenses related to the care of foster children while limited annual allowance payments are provided for clothing. Foster parents caring for infants also receive an added monthly reimbursement to help cover the cost of diapers. Payment rates vary depending on the child's age, and experienced foster parents who received advanced training can receive higher payments when caring for children with severe health or behavior difficulties. Table 1.5 shows reimbursement and allowance rates by age of the foster child.

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<sup>6</sup> Based on the division's basic rate of pay for licensed foster parents required to complete the foster parent training program.



**Table 1.5: Standard Reimbursement Rates for Foster Parents**

<b>Age of Child (Years)</b>	<b>Monthly Pay</b>	<b>Monthly Clothing Allowance<sup>1</sup></b>	<b>Monthly Infant Allowance</b>	<b>Actual Cost to Care Per Month<sup>2</sup></b>
0 - 2	\$227	\$12.50	\$50	\$571
3 - 5	\$227	\$12.50		\$581
6-8	\$277	\$16.66		\$619
9-11	\$277	\$16.66		\$638
12	\$277	\$16.66		\$713
13-14	\$307	\$20.83		\$750
over 15	\$307	\$20.83		\$761

Source: Division records. USDA Annual Report of Expenditures on Children by Families for Year 2000

<sup>1</sup>Clothing allowance amounts are presented on a monthly basis for comparison purposes. These funds are distributed on an annual or semi-annual basis.

<sup>2</sup>Actual cost of care per month based on the United States Department of Agriculture (USDA) Expenditures on Children by Families 2000 Annual Report. Amounts used were for a two-parent family with an income level between \$38,000 and \$64,000 annually. The cost of health care was removed from the USDA estimate of expenditures, as well as child care costs for children under the age of thirteen, because they are funded separately from the standard rates paid to foster parents in Missouri.

A comparison of payments to foster parents in Missouri to a report of the estimated expenditures to raise a child by the United States Department of Agriculture (USDA) showed the Missouri rates comprise less than 50 percent of costs incurred for children ages 3 to 17. With the additional funds provided in the infant allowance, the amount paid to foster parents of children ages newborn to 2 years old is only 51 percent of the costs incurred.

The USDA creates a report each year estimating the costs of raising a child for a year based on three different income levels. Included are housing, food, health care, child care, transportation, clothing, and other miscellaneous expenses. For purposes of our comparison, the expenses for health and child care were removed from the USDA estimates because those are separately covered for foster children by the state.

### **Social worker pay rates are low**

The division is responsible for hiring, training, and retaining enough qualified and trained social workers in all local areas to properly ensure children are protected and to handle the many associated duties. Starting pay is \$24,132 per year which is less than salaries in most surrounding states. Table 1.6 shows a comparison of social worker starting salaries in Missouri and several Midwestern states.

**Table 1.6: Worker Starting Salary Comparison to Other States**

State	Job Title	Annual Starting Pay
Iowa	Social Worker II <sup>1</sup>	\$ 30,139
Kentucky	Social Services Worker I	\$ 28,371
Illinois	Child Welfare Specialist I	\$ 25,836
Nebraska	Protection and Safety Worker I	\$ 24,816
Missouri	Social Services Worker I	\$ 24,132
Arkansas	Family Service Worker	\$ 24,089
Tennessee	Children's Services Case Manager I	\$ 22,500
Oklahoma	Child Welfare Specialist I	\$ 22,105

Source: Internet sites of the various states.

<sup>1</sup>Iowa workers currently start at level II.

As the table shows, Missouri pay ranks in the bottom half of the eight states surveyed, only ranking above Arkansas, Tennessee, and Oklahoma.

## Conclusion

More attention could be placed on operational support functions to ensure foster parents are fully prepared and properly paid for their responsibilities. Emergency placements need better monitoring to ensure overpayments do not occur. With 81 percent of the children placed within 31 days after emergency placement, the new practice of not requiring supervisory approval for extensions beyond 30 days because of automatic payment denial at 60 days may cause additional unnecessary costs. Payments to hold open beds at residential facilities for runaways are not prudent, case information updates are not timely, and interactions with foster parents need improvement.

## Recommendations

We recommend the Director, Department of Social Services:

- 1.1 Take action to correct the data in the tracking system to establish a baseline of accurate data. This action would include identifying to whom cases are assigned, deletion of social workers who no longer work for the division and correction of case status. Either use this database or develop another system to accurately identify caseloads per worker on a perpetual basis.
- 1.2 Amend the recently issued policy of allowing emergency payments to continue for 60 days without review and approval to require placement within 30 days, and grant extensions only when necessary and after approval from supervisors has been obtained and documented.
- 1.3 Ensure each child's emergency placement time is actually necessary and is used for the intended purpose of locating the more appropriate placement needed.

- 1.4 Discontinue reimbursing residential facilities for runaway children during their flight status. Take action to amend current contracts if feasible, and delete the contract language in future contract bids.
- 1.5 Ensure social workers promptly initiate and enter child placement changes into the tracking system.
- 1.6 Ensure foster parents who fail to meet the applicable licensing criteria are not licensed and ensure worker licensing decisions are promptly reviewed by supervisors.
- 1.7 Expand the background check of social workers to include a review of the Family Care Registry to identify workers who are not considered acceptable to work with children, the elderly or the mentally ill.
- 1.8 Establish formal exit interviews of foster parents to determine any problem areas that contributed to the decision to end their fostering services. The interviews should be conducted by staff independent of the workers who supervised the cases of children placed in the home, and the primary and secondary reasons should be compiled on a systemwide basis. Ultimately, the information should be used to design system improvements necessary to better support and retain foster parents.
- 1.9 Review responses to the various surveys and ensure areas of foster parent concern are addressed to better support foster parent efforts and enhance the fostering experience.
- 1.10 Ensure all foster parents are fully informed of their grievance rights and understand how to file a grievance.
- 1.11 Ensure grievances are consistently authorized and administered by area and local staff and require written records of oral grievance requests.

### **Department of Social Services Comments**

*Since April 2002, the Children's Division has worked with your staff as they completed two phases of a performance audit on our agency's Foster Care Program. We appreciate the cooperation between the two agencies during the last year and a half.*

*Recommendations from the first part of the audit centered on three main themes: safety, permanency, and quality service. It appears that the eleven recommendations from the second part of the Foster Care Program Audit focused on four central topics for improvement: tracking and monitoring of caseload data, payment/overpayment concerns, background checks of foster parents and staff, and retention of foster parents. All four topics are very important to our agency, and the Department will review the auditor's findings, along with the recommendations, to assist our agency in making improvements to our system.*

*The auditor's report stated the Division needs to take action to correct the data in the tracking system to establish a baseline of accurate data. Doing so would allow the Division to identify*

*case assignments, up-to-date status of cases, and tracking. The report also noted a need for prompt entering of placement changes.*

*Tracking and monitoring of data is crucial to the work done by the Division. The agency's Alternative Care Tracking System (ACTS) is our agency's tool in assuring that caseload data and information is tracked accurately within our system. We recognize that improvements need to be made to our system, and believe this is imperative to the work we do. The Division is currently in the process of bringing our system into SACWIS compliance, however due to budgetary constraints, have been unable to make all the necessary system enhancements. The Division will look into the concerns noted by the audit staff, as well as evaluate other areas of improvement that could be made and develop an action plan to improve, not only our system, but the entering of the data into that system.*

*The State Auditor's report reflects on two areas of payment in which they had concerns that overpayments were made, resulting in unnecessary expenditures to the Division. During a meeting with the audit staff, these concerns were discussed at length and the Division is re-evaluating policy and practice surrounding emergency foster home placements, as well as payments to residential facilities when a youth is on runaway status. Necessary changes will be made to the contract system and policy.*

*The Department and Children's Division is committed to assuring that children are placed in safe out-of-home care environments and that we have quality, committed professionals working with our children and families. The audit noted concerns regarding three licensed foster parents who did not meet the licensing requirements. As reported in the previous audit response, the Department is already in the process of enhancing our background check system for alternative care providers. These concerns are ones also noted by the agency, and we will be working diligently on this area. The audit also notes that enhancement of background checks for employees are also needed and the Department will take this recommendation into consideration.*

*Foster parents are one of the Division's most valuable resources. They provide a safe, loving, nurturing out-of-home care environment for Missouri's at-risk children. The Division values feedback from foster parents on how to improve our system. Recommendations and suggestions concerning foster parent retention will be reviewed, along with information from our State Foster Care Advisory Committee, and the three Foster Parent Associations, as we strive to enhance our relationship and build retention efforts for out-of-home care providers across the state.*

*We appreciate the State Auditor including in the report that Missouri foster parents are among the lowest paid of all states, and that our staff salaries are much lower than those in surrounding states. Our Department has consistently requested increases in the amount provided to foster care providers to assist in covering the cost of care for foster children. Foster parent rates have not increased since 2001 and they continue to be reimbursed lower than those other states provide to foster parents. The Department would like to commend our foster parents and staff for their dedication to children and families and for the fine work that they do day in and day out.*

*Quality service to the children and families we serve will always be a goal of our Division. Missouri continues to make progress in program areas and policy development. On pages five and six the State Auditor notes, "Recognizing the significant state budgetary constraints existing in early 2003, the General Assembly, officials of the Department of Social Services, and the division have struggled to find ways to improve the safety and care of at-risk children without increasing staff to meet the recognized accreditation standards." The Division is currently involved with several initiatives directed to improve our system. They include a focus to increase use of kinship care for children in need of out-of-home care placement, assuring our Family Support Team process is enhanced to include all team members and to occur on a more timely basis, and improved coordination between the Department of Mental Health and Department of Social Services to increase access to mental health services for children. These efforts will lead both the Department and the Children's Division to serve our children and families more effectively. Our Children's Division staff work every day to ensure the safety of at-risk children, provide services to children at home with their parents, and those who are in out-of-home placements. As a result of our strong partnerships with other state agencies and professionals across the state, we are able to provide quality services to children and families in need.*

*The Department of Social Services and the Children's Division will analyze the recommendations from both parts of the Foster Care Program Audit as we determine how to improve our system for the families and children we serve. We are fortunate in that we have many partners willing to help us make these needed changes, and will strive to continue improving Missouri's foster care system.*

## **ADDITIONAL COMMENTS**

### **Career Plus Program Is a Successful Vehicle for Troubled Children**

The Career Plus Program (program) was established in Area 4 (which includes the southwest part of the state) to meet the needs of foster children who are having a significantly difficult time adjusting to their life as a foster child held in state custody. A small number of workers and some especially effective and successful foster parents oversee the adjustment to state custody for these children. As of March 2003, there were 20 children in 10 foster homes equipped to handle the behavioral problems of the children. Since the program's inception about 4 years ago, 127 children have completed the program.

The program is focused toward youth who have been unsuccessful in a residential setting and have been in care for over 12 months, children whose adjustment problems are forcing their movement toward placement in a residential facility, or those in serious need to be diverted from a very difficult future. Once accepted into the program, the children are placed in the specially approved foster home for a set period of time not to exceed 6 months. The foster parents in the program must have completed all of the special licensing criteria to allow them to become a Career Foster Home.

The program features specially designed individual goals that are set for each child brought into the program. Each child participates in the goal setting process, must agree the goals are appropriate, and the child's progress toward achieving each goal is carefully monitored. In addition, progress toward successful completion of the goals is individually rewarded.

Program workers visit with each child at least weekly to assess whether the child is truly working toward the goals, and to see how the placement is working for both the child and the foster parent. These workers maintain a high level of commitment and are required to be available to help solve any problems whenever they may develop, on a 24-hour, 7-day weekly basis.

Auditors visited one large home involved in the program to tour the home, meet with some of the children, and discuss the home's involvement in the program. The philosophies employed by the home have allowed children to achieve success in the program and give them hope for a brighter future. We spoke with a few children currently participating in the program and found they credited their success to the parents in the home and the loving and respectful treatment they received on a daily basis.

Our review of this program for especially troubled children convinced us the division recognized a very serious need and has taken action to design a small but especially successful program that should be acknowledged as a job well done. While not all children taken into the program have been successful in turning their lives around, our review suggests that numerous children have done so.

**OBJECTIVES, SCOPE AND METHODOLOGY**

**Objectives**

The Department of Social Services, Children's Division is responsible for the management and operation of the state's foster care program.

The objectives of the audit were to review the state's foster care program to determine whether:

- (1) Children in division custody are safe, located, and handled according to key provisions of federal and state laws, state rules and departmental policies.
- (2) Foster parents are qualified with an acceptable, non-criminal, non-violent background; adequately trained; and receive appropriate support from the division.
- (3) Social workers are appropriately performing the duties required for all foster children assigned to their caseload; including placement, required case planning, monitoring of each child, and properly documenting all case activities, conditions, and progress.

**Audit Scope**

Audit fieldwork started during February 2002 and continued through May 2003. Most of the cases reviewed were active during calendar year 2002 and were selected to provide a reasonable cross section representative of the variety of foster care cases handled by the division. The audit staff:

- Reviewed applicable state and federal laws and regulations, division policies and procedures, and division training programs.
- Interviewed area and local employees, supervisors, and other local, area and state level administrative officials.
- Reviewed case files of foster children, biological parents, foster parents, and participated in home visits with division social workers.
- Discussed the foster care program with concerned private individuals, foster parents, various interested public organizations, representatives of private social services providers, and biological parents.
- Reviewed available division records of the number of foster children in state custody over several years and related issues including length of time each child was maintained in state custody, number returned to their biological family, number of times taken into state custody, and number of cases involving termination of parental rights and adoption.

## APPENDIX I

- Obtained information from other state foster care programs for comparative purposes.

### Audit Methodology

To determine whether division workers and supervisors have performed the required procedures in compliance with laws and policies regarding payment to foster parents we reviewed computer system payment records. These records included payments for emergency placements and for children listed in run away status.

To determine if the division adequately monitors contracted residential facilities, we visited facilities of varying location and size to review their employee background check records and resident incident reports.

We reviewed foster parent files in Boone County to review the division's follow-up action on the foster parents identified by our match with the Office of State Court Administrator as having felonies and misdemeanors.

The number and type of files and computer records reviewed are listed in Table I.1:

**Table I.1 Breakdown of File and Record Reviews**

Test Item	Number of Items
Emergency Placement Payment Records	40
Runaway Payment Records	117
Residential Facilities Visited	4
Foster Parent Files	10

Source: Cases selected for review



**STATUTES AND REGULATIONS**

The State of Missouri's foster care program operated by the Department of Social Services, Children's Division is based on federal and state laws and related state regulations.

**ADOPTION AND SAFE FAMILIES ACT**

The federal Adoption and Safe Families Act (the act), Public Law 105-89 was enacted November 1997 and all states subsequently passed conforming legislation. The act amended the 1980 Adoption Assistance and Child Welfare Act.

The act was intended to enhance children's safety by:

- Specifying that a child's health and safety must be paramount when decisions are made about the initial removal of a child from his or her home, the return home, and the care a child receives while in foster care or in an adoptive family.
- Clarifying that there is nothing in federal law requiring that a child remain in or be returned to an unsafe home. Federal law requires that state child welfare agencies make reasonable efforts to prevent the unnecessary placement of children in foster care and to reunify children in foster care with their families.

The act was seen as necessary to move children who had been lingering in foster care without permanent placement plans into permanent homes. It was believed clearing the state systems of these cases would enable the child welfare system to better respond to new children entering care so they and their families could get the help they need so prompt permanency decisions could be made.

Key provisions of the act include promoting adoption and other permanency options by:

- Establishing expedited timelines for determining whether children entering foster care can be moved into permanent homes promptly. Options include their own family homes, adoptive homes or other planned permanent living arrangements. Two new timelines were established. First, permanency hearings must be held for children no later than 12 months after they enter foster care (6 months earlier than under prior law). Second, state agencies must track new children entering care so that termination of parental rights (termination) proceedings will be initiated for children who have been under the responsibility of the state for 15 out of the most recent 22 months, unless certain case exceptions apply.
- Requiring that termination of parental rights proceedings be initiated in additional circumstances, including when a child is an abandoned infant, or in cases where a parent has committed murder, voluntary manslaughter, or aggravated assault of another of his/her children. In certain case situations exceptions are allowed.

## APPENDIX II

- Offering adoption incentive payments for states that increase their adoptions of foster children over a base year. States that increase the number of adoptions of foster children in a given fiscal year over a base year receive an incentive payment<sup>1</sup> for each child adopted above the base year number.

Table II.1 below shows the number of adoptions that were finalized from foster care in Missouri and the amount of incentive payments that were awarded for the increased number of adoptions in fiscal years 1998, 1999, and 2000.

**Table II.1: Adoption Incentives Awarded to Missouri**

<b>Fiscal Year</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>Total Award</b>
Previous Yr. Baseline	557	616	817	1205	
Current Yr. Adoptions	616	817	1,205	<sup>1</sup>	
Increase In Adoptions	59	201	388	NA	
Bonus Award <sup>2</sup>	\$110,999	\$430,364	\$665,819	None <sup>1</sup>	\$1,207,182

Source: U.S. Department of Health and Human Services (HHS) website

<sup>1</sup> Current adoptions were unavailable from the HHS website, however the site indicated no incentive was earned for year 2001.

<sup>2</sup> The annual incentives were awarded on a pro rata basis because the total amounts for all states exceeded the appropriation.

There are numerous provisions in federal laws that must be complied with as the states seek to respond to the ever growing problems of child abuse and neglect and the related need to remove children from homes of their biological parents for child safety reasons. State laws and regulations generally seek to parallel the federal requirements. Similarly, Children's Services has developed extensive operating policies and procedures to help guide social workers and supervisors in complying with those requirements while handling their assigned case load of children.

### Definitions

**"Child"** any individual under 18 years of age, or in the custody of the division.

**"Child Placing Agency"** any person, other than the parents, who places the child outside the home of the child's parents or guardian, or advertises or holds himself forth as performing such services, except attorney, physician, or clergyman of the parents.

<sup>1</sup> To encourage states to not allow children to remain endlessly in foster care when they cannot safely be returned to their homes, the act provides for an incentive to a state only for adoptions that represent an increase over the number of adoptions achieved in an established base period in that state. For example, if 220 adoptions is the base level, and 222 children are adopted in a specific fiscal year, the state will receive incentive payments for only two children. The incentives are \$4,000 for each foster child adopted above the base and an additional \$2,000 (\$6,000 total) if the child has special needs and is eligible for the federal Adoption Assistance program. (Originally a capped amount of \$20 million was set aside for these incentives, that amount was increased to \$43 million only for FY 2000). The act requires states to use incentive funds for child welfare services, including post adoption services.

## APPENDIX II

**"Foster Home"** a private residence of one or more family members providing 24-hour care to one or more but less than seven children who are unattended by parent or guardian and who are unrelated to either foster parent by blood, marriage, or adoption.

**"Guardian"** the person designated by a court of competent jurisdiction as the "guardian of the person of a minor" or "guardian of the person and conservator of the estate of a minor."

**"License"** the document issued by the division in accordance with the applicable provisions of Sections 210.481 to 210.536, RSMo 2000, to a foster home, residential care facility, or child placing agency to operate its program in accordance with the applicable provisions of Sections 210.481 to 210.536, RSMo 2000, and rules issued pursuant thereto.

**"Related"** any of the following by blood, marriage, or adoption: parent, grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin.

**"Residential Care Facility"** a facility providing 24-hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian.

## STATE

Section 207.020, RSMo 2000, lists certain powers of the division including (in subsection 17) accepting for social services and care homeless, dependant or neglected children in all counties where legal custody is vested in the division by the juvenile court. The division typically is required to conduct an investigation of the child's background circumstance and provide a report to the court prior to the legal custody being assigned. The purpose of the background review is to determine appropriate services needed and a treatment plan for the child, and is to include consultation with the juvenile officer and others who are knowledgeable of the child or programs or services appropriate to the needs of the child and shall be completed within 30 days.

Numerous sections of the *Missouri Revised Statutes* chapter 210 covering Child Protection and Reformation and chapter 211 covering Juvenile Courts apply to and govern the state's handling of children and the foster care programs. In addition, chapter 453 covers adoption and foster care.

Similarly, numerous sections of the *Code of State Regulations*, Title 13, Division 40, chapters 30 through 73 cover many aspects relating to child care issues ranging from permanency planning for children to licensing of child placing agencies.

While all the statutes and regulations (along with the department's children's services policies) are important to the appropriate handling of the foster care program, certain statute sections and issues are particularly relevant to our review.

## CHILD PROTECTION STATUTES

Section 210.486, RSMo 2000, prohibits any person to operate a foster home or residential care facility without having a license issued by the division or, in some instances, the Department of Health and Senior Services. An investigation is required of the person and an examination of the physical facility is required before the license is issued and the license period is not to exceed 2 years.

Section 210.586, RSMo 2000, requires the division to establish a grievance procedure available to licensees under Sections 210.481 to 210.536, RSMo 2000 and to inform all licensees of those procedures in writing. In addition, Section 210.551, RSMo 2000, requires a procedure allowing foster parents to appeal adverse decisions made by the division affecting their rights.

Section 210.537, RSMo 2000, requires the division to cooperate with and help promote foster parent associations in each county and to provide the associations data, information, and guidelines on the obligations, responsibilities, and opportunities of foster parenting.

Section 210.543, RSMo 2000, requires the division to train and license a separate category of foster parents who are able to provide special care and supervision to foster children who have special needs because of a history of sexual abuse, serious physical abuse, or severe chronic neglect. It also requires additional specialized training for those foster parents and provides higher payment incentives for training to be provided by the division.

Section 210.565, RSMo 2000, requires certain relatives including grandparents who request it be given preference and first consideration whenever a child is placed in a foster home. A relative is defined as a person related to another by blood or affinity within the third degree. The preference is to apply only where the **court** [*emphasis added*] finds that placement with such relatives is in the best interest of the child considering all circumstances.

Sections 210.710, through 210.730, RSMo 2000, require juvenile court involvement in decisions regarding custody of children and typically require written reports be made to the court for review every 6 months during the custody. The court is to review the reports of children continuing in foster care and is to consider whether the child is to be continued in custody. In addition, within 12 months of the initial custody (annually thereafter) the court is to hold a permanency hearing to determine in accordance with the best interests of the child whether the child should be continued in foster care, returned to a parent or guardian, or whether proceedings should be instituted by the juvenile officer or the division to terminate parental rights to legally free the child for adoption.

Further, under Section 210.730, RSMo 2000, in the case of children continued in foster care the court is to review the status of the child at least once every 6 months. The percentage of children who are in foster care in excess of 24 months is not to exceed 30 percent in any fiscal year.

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Section 210.760, RSMo 2000, requires the division to provide full medical information and history to the foster parents when placing a child with them; give a minimum of 5 days notice before removing a child and provide the foster parent with a written statement of the reasons for removing a child; and arrange for a pre-placement visit of the child, except in emergencies. The division is also to work with the natural parent, using available services, in an effort to return the child to his natural home, if at all possible, or to place the child in a permanent adoptive setting.

Section 210.761, RSMo 2000, specifies that any foster parent that has provided foster care to a child at any time in a 2-year period prior to any hearing concerning the child's case shall be allowed to testify, however, the court may limit the testimony to evidence the court finds relevant and material.

### **JUVENILE COURTS STATUTES**

Section 211.011, RSMo 2000, notes the purpose of chapter 211 is to facilitate the care, protection, and discipline of children who come within the jurisdiction of the court. The court's involvement with each juvenile is to be focused on the child's welfare as well as the best interest of the state.

Section 211.031, RSMo 2000, specifies the juvenile court is to have jurisdiction in several areas including adoption of a person, or the commitment of a child under the age of 18 to the guardianship of the division.

Section 211.101, RSMo 2000, provides for the juvenile court to order a child under the age of 18 be taken into immediate protective custody when it is required for his welfare.

Section 211.171, RSMo 2000, requires the current foster parents, or pre-adoptive parent or relative currently providing care for the child, to be provided notice of, and an opportunity to be heard in, any permanency or other review hearing to be held with respect to the child.

Section 211.177, RSMo 2000, provides for a grandparent to have a right to intervene in any proceeding in which the custody of a grandchild is in issue, unless the juvenile judge decides after considering a motion to intervene by the grandparent that such intervention is against the best interest of the child. The right of a grandparent to intervene pursuant to the provisions of this section may terminate upon the adoption of the child except where the child is adopted by a stepparent, another grandparent or other blood relative.

Section 211.183, RSMo 2000, requires the court, when hearing proceedings regarding the removal of a child from his or her home, to include a determination of whether the division of family services has made reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to make it possible for the child to return home.

Section 211.211, RSMo 2000, specifies that parties to a juvenile case are entitled to representation by counsel in all proceedings and calls for appointment of counsel for both the

## **APPENDIX II**

child and the child's custodian when appropriate. Both the child and parent can be represented by the same counsel except when the court believes a conflict of interest exists.

Section 211.444, RSMo 2000, provides for the juvenile court, upon petition from the juvenile officer, or under a petition for adoption filed under provisions of chapter 453 to terminate the rights of a parent to a child if the court finds that such termination is in the best interests of the child and the parent has consented in writing to the termination of his or her parental rights.

Section 211.447, RSMo 2000, provides numerous conditions and situations appropriate to be considered grounds for filing a petition for termination of parental rights with the juvenile court. Among others, examples include a court of competent jurisdiction has determined a child is an abandoned infant, or has determined the parent has committed the murder of another of his/her children.

Section 211.462, RSMo 2000, provides for the appointment of a guardian ad litem in all actions to terminate parental rights, if one has not previously been appointed under Section 210.160, RSMo 2000. The guardian ad litem is intended to be the legal representative, protect the rights of, and advocate for the child in termination proceedings. Among other duties, the guardian ad litem is to ascertain the child's wishes, feelings, attachments, and attitudes and to protect the child's rights and interests.

In addition, this section provides the parent or guardian of the person of the child shall be notified of the right to have legal counsel, and if they request counsel and are financially unable to employ counsel, counsel shall be appointed by the court. Also, when the parent is a minor or incompetent, the court shall appoint a guardian ad litem to represent that parent. The parent's legal counsel is to protect the rights, interest and welfare of a minor or incompetent parent.

Section 211.464, RSMo 2000, specifies that the juvenile court is to provide foster parents, relatives, or other person the opportunity to present evidence for the consideration of the court in the termination proceedings.

### **ADOPTION AND FOSTER CARE STATUTES**

Section 453.005, RSMo Cumulative Supp. 2002, specifies that provisions of Sections 453.005 to 453.400, RSMo 2000 and Cumulative Supp. 2002, shall be construed so as to promote the best interests and welfare of the child in recognition of the entitlement of the child to a permanent and stable home.

In addition the division and all persons involved in the adoptive placement of children shall provide for the diligent recruitment of potential adoptive homes that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed. However, placement of a child in an adoptive home may not be delayed or denied on the basis of race, color or national origin.

## APPENDIX II

Section 453.011, RSMo 2000, calls for the court to expedite the trial proceedings and notes it is the intent of the general assembly that the permanency of the placement of a child who is the subject of a termination of parental rights proceeding or an adoption proceeding not be delayed any longer than is absolutely necessary consistent with the rights of all parties. The rights of the child to permanency at the earliest possible date must be given priority over all other civil litigation other than the division's child protection cases.

Section 453.026, RSMo 2000, requires as early as is practical the person placing the child for adoption shall furnish to the court, the guardian ad litem, and the prospective adoptive parent a written report regarding the child.

Also, the division shall promulgate rules and regulations regarding all written information that shall be furnished to the court, the guardian ad litem and the prospective adoptive parent.

Section 453.030, RSMo Cumulative Supp. 2002, specifies that court approval of adoption is required and the approval or denial by the court shall be based on the court's opinion of what is best for the welfare of the person being considered for adoption. In addition, the section covers several other aspects of adoption requirements and also requires the written consent of any person to be adopted who is age 14 or older.

Section 453.065, RSMo 2000, defines types of adoption subsidies available for a child in the custody of the division who has various needs for medical, dental, educational, or other related healthcare and services.

Section 453.070, RSMo Cumulative Supp. 2002, prevents a court from granting a decree for the adoption of a child under 18 years of age until a full investigation, which includes an assessment of the adoptive parents, an appropriate post placement assessment and a summary of written reports as provided for in Section 453.026, RSMo 2000, and any other pertinent information relevant to whether the child is suitable for adoption by the petitioner and whether the petitioner is suitable as a parent for the child, has been made. The report is also to include a statement to the effect that the child has been considered as a potential adoption subsidy recipient.

The investigation is to be made, as directed by the court, either by the division, a juvenile court officer, a licensed child-placement agency, or other suitable person appointed by the court. An exception to the investigation and reporting requirement is provided.

This section also provides when any adult person or persons over the age of 18, who, as foster parent or parents, have cared for a foster child continuously for a period of nine months or more and bonding has occurred, may apply for the placement of such child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parents. However, the final determination of the propriety of the adoption of such foster child shall be within the sole discretion of the court.

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Section 453.072, RSMo Cumulative Supp. 2002, provides any subsidies available to adoptive parents pursuant to Sections 453.073 and 453.074, RSMo Cumulative Supp. 2002, shall also be available to a qualified relative of a child who is granted legal guardianship of the child in the same manner as such subsidies are available for adoptive parents. As used in this section "relative" means any grandparent, aunt, uncle, adult sibling of the child or adult first cousin of the child.

Section 453.073, RSMo Cumulative Supp. 2002, authorizes the division to grant a subsidy to a child in one of the forms of allotment defined in Section 453.065, RSMo 2000. Determination of the amount of monetary need is to be made by the division at the time of placement, if practicable. However, the subsidy amount is not to exceed the expenses of foster care and medical care for foster children paid under the homeless, dependent and neglected foster care program. A written agreement is to be entered into by the division and the parents setting forth the particulars of the subsidy, including the time period for which the subsidy is granted.

Section 453.074, RSMo 2000, lists the duties of the division in the administration of the subsidy program. The duties include notification of the adoption petitioners of the availability of a child subsidy, providing them with the related rules and eligibility and so on. This section also requires the division to comply with all federal laws relating to adoption subsidies in order to maintain the state's eligibility for federal funds.

Section 453.101, RSMo 2000, specifies that in the event that the juvenile court does not grant the adoption, the court may order that a guardian be appointed under the provisions of chapter 475, RSMo 2000, to provide long-term care for the child. The order appointing the guardian shall specify the powers and duties of the guardian and the period of time the guardianship shall remain in effect with mandatory review by the court as provided in chapter 475, RSMo 2000.

Section 453.110, RSMo 2000, prohibits any person, agency, organization or institution from the surrender of custody of a minor child, or transfer of the custody of such a child to another, and no person, agency, organization or institution is to take possession or charge of a minor child so transferred, without first having filed a petition before the circuit court sitting as a juvenile court, praying that such surrender or transfer may be made, and having obtained such an order from such court approving or ordering transfer of custody. This section provides guidance on the required actions in the event such a transfer was made without obtaining court approval of the transfer of custody.

Section 453.153, RSMo 2000, requires the director of the department of social services to develop and implement a program to work through local churches to find adoptive placements for minority and hard to place children. The program is to be known as "Missouri, One Church-One Child" program.

Section 453.325, RSMo 2000, requires the division to establish the "Grandparents as Foster Parents Program" subject to available appropriations and itemizes several key factors to be



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involved, including the financial support of and providing foster parent training for participating grandparents.

### CODE OF STATE REGULATIONS

13 CSR 40-30.010 requires the establishment of a case plan for every child in the custody of the division, describes the expected requirements, contents, and allowed time limits.

13 CSR 40-30.020 establishes fees rates and maximum amounts for attorneys and guardians ad litem who provide services in termination of parental rights cases. Legal representation is to be provided to financially eligible persons involved in permanency issues for the foster child.

13 CSR 40-34.012 establishes the criteria for reimbursements to foster parents and residential care facilities for the cost of foster care provided. This section also sets the maximum rates for child foster care as \$139<sup>2</sup> for a child age 0 to 5 years, \$170<sup>2</sup> for ages 6 to 12 years and \$187<sup>2</sup> for ages 13 and over. For reimbursement of care beyond the rates specified, prior authorization from the division is required.

13 CSR 40-32.060 requires the division to determine the ability of parents to support a child who must be placed in foster care and then recommend to the juvenile court that the parents be ordered to support or partially support the cost of foster care.

13 CSR 40-36.001 describes the grievance procedure for a foster/relative/adoptive parent when s/he disagrees with any decision made by the division involving the management of a particular foster/adoptive child. The aggrieved parent must notify the division county office in writing or verbally within ten days of the disputed decision. This section also requires the division to establish an Alternative Care Review Board to provide a further review over child management decisions which cannot be resolved at the division office level.

13 CSR 40-38.010 & .020 define adoption services and sets criteria for provision of adoption services by the division.

13 CSR 40-50.010 addresses the definition, approval, and payment of adoptive homes that receive placement of the child they intend to adopt prior to custody being ordered by the juvenile court.

13 CSR 40-59.020 specifically defines terms used in completing criminal and child abuse/neglect criminal records checks for foster, adoptive, and relative care providers.

13 CSR 40-59.030 establishes procedures for the submission, investigation, and evaluation of criminal and child abuse/neglect records for persons making application or re-application for licensure, approval, or certification as foster, adoptive, or relative care providers for the division.

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13 CSR 40-59.050 establishes procedures for release of information pertaining to the nature and disposition of child abuse reports, neglect report(s), or both, for employees and volunteers who are frequently present in child care facilities when children are present.

13 CSR 40-60.010 explains the division's responsibility for licensing foster homes, defines terms used, gives procedures for approval, denial, or revocation of a license. A foster home license is to be issued for not more than 2 years, subject to renewal on expiration.

13 CSR 40-60.020 limits the ages and number of children to be kept in a foster home and the allowed exceptions. The maximum number of children is not allowed to exceed six, including the foster parents' children, and not more than two children under age 2 and no more than four preschool children unless necessary to accommodate a sibling group. Exceptions are made for foster sibling groups and a minor mother and child family groups.

13 CSR 40-60.030 explains who can qualify to be a foster parent and gives the health requirements, and standards of living required. Foster parent applicants are not to receive a license when both are under age 21. Foster parents are expected to be of reputable character, meet certain medical requirements, complete specified foster parent training, and submit to an appropriate home study.

13 CSR 40-60.040 explains foster home physical structure requirements, sleeping arrangements, and fire and safety requirements. The structure of the home must be adequate to provide for the health and safety of all occupants and be large enough to comfortably accommodate the foster family and the foster children in their care.

13 CSR 40-60.050 describes the quality of care to be provided by foster parents and lists the division's expectations in several areas; including education, moral and religious training, discipline, recreation, and supervision. It also describes several responsibilities of the foster parents to the division, the child, and the child's legal custodian.

13 CSR 40-60.060 requires that with the assistance of the division, foster parents are to keep records on children placed in their care. The required record contents are listed.

13 CSR 40-72.010 serves to support Section 210.246, RSMo 2000, that makes it unlawful for any person to establish or operate a residential care facility without having in full force a written license granted by the division. This rule establishes the numerous requirements a group home must meet in order to qualify for and maintain a license. Group homes are small residential programs caring for 12 or less children.